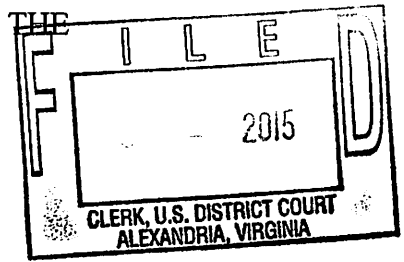


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

DAVID PATRICK DIAZ,

Defendant.

Case No. 1:15MJ473

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Amanda R. Fritz, being duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") assigned to the Joint Terrorism Task Force, Washington, D.C., Field Office. As part of my duties, I am the Dulles International Airport Liaison Agent. I have been an FBI Special Agent for over eleven years. My duties include, but are not limited to, the investigation of alleged violations of federal criminal statutes which involve crimes aboard aircraft, and the preparation, presentation, and service of criminal complaints and arrest warrants.

2. This affidavit is made in support of a criminal complaint charging DAVID PATRICK DIAZ ("DIAZ") with interference with flight crew members and attendants, in violation of 49 U.S.C. § 46504.

3. The facts and information contained in this affidavit are based upon my personal knowledge, as well as information obtained from other law enforcement officers involved in this investigation, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through

training and experience. This affidavit contains information necessary to support probable cause and is not intended to include each and every fact and matter observed by me or known to the government.

PROBABLE CAUSE

4. On March 16, 2015, at approximately 11:11 p.m., I received a telephone call from the Metropolitan Washington Airports Authority (MWAA) Operations Center at Dulles International Airport, notifying me of an unruly passenger aboard United Airlines flight #1074 to Denver, Colorado. The passenger was identified by his driver's license as DIAZ.

5. My investigation has revealed that DIAZ first attempted to fly out of the Washington metropolitan area one day prior to the March 16 incident. On March 15, 2015, DIAZ was booked on Virgin America flight #737, from Reagan National Airport to Dallas, Texas. Prior to boarding, he did not exhibit any unusual behavior in the gate area. Once he boarded, however, he exhibited the behavior of a nervous flyer. DIAZ was seated in the third row, but he spent most of his time in the forward galley talking to the cabin crew. He did not make any controversial statements, but he seemed nervous. He walked back and forth between his seat and the galley several times. DIAZ decided that he wanted to fly the next day and the crew told him to exit the aircraft.

6. On the following day, March 16, 2015, DIAZ returned to Reagan National Airport for Virgin America flight #731 to Dallas. DIAZ boarded without incident, but once the door closed and the plane started to push back, DIAZ became non-compliant with crew instructions. He would not remain in his seat. The pilot immediately returned the plane to the gate, and DIAZ was removed from the flight. Since DIAZ complied with the order to leave the aircraft, law enforcement was not notified.

7. That same day, on March 16, 2015, DIAZ took public transportation from Reagan National Airport to Dulles International Airport and booked an outbound flight on United Airlines.

8. While waiting for his flight, at approximately 4:28 p.m., DIAZ pushed open a door in the United Airlines Club Lounge, setting off a door alarm. MWAA Police Department (PD) responded to the scene. The officers confirmed that DIAZ had gone through the door, walked down a private corridor, and returned to the terminal through a door at gate C7. DIAZ apologized for going through the door and said that he was feeling anxious about flying. DIAZ told the officers that he had consumed a few drinks before coming to the United Airlines Club Lounge to wait for his flight to depart. DIAZ was rescreened by Transportation Security Administration (TSA) personnel and rebooked on a later flight.

9. At approximately 10:01 p.m., DIAZ boarded United Airlines flight #1074 to Denver. After he boarded the plane, DIAZ appeared nervous and anxious. He would not sit down in his seat, and he kept placing his bags in different bins. One of the flight attendants notified the gate agent that he did not feel comfortable with DIAZ on board the plane. The gate agent told the flight attendant that DIAZ was acting strange in the boarding area and was hesitant to get on the plane. But the gate agent would not remove DIAZ from the plane because DIAZ was not being disruptive, and DIAZ had been cleared to fly by the gate agent's supervisor.

10. The flight took off at approximately 10:23 p.m. Approximately forty-five seconds to one minute after take-off, DIAZ ran to the front of the aircraft and pulled on the handle of the door to the cockpit. As he attempted to gain entry to the cockpit, one witness heard DIAZ shout, "The plane is not going fast enough. We need to go faster."

Another witness heard DIAZ shout, "This plane isn't going fast enough. It's going to go down. Let me in! I have to talk to them. We are going down. Oh god! Open the door!!"

11. DIAZ was restrained by three passengers in the first-class cabin and a flight attendant. The passengers and flight attendant attempted to place DIAZ in restraints, but due to his resistance, they were only able to get the restraints on one of his arms. While being restrained, witnesses heard DIAZ yell that there was something in the belly of the plane. They also heard him yell, "Jihad."

12. The plane returned to Dulles immediately and landed at approximately 10:36 p.m. Once the plane landed, MWAA PD boarded the plane and took custody of DIAZ. As a result of DIAZ's actions, the flight attendants did not feel comfortable flying again that night, and the flight was cancelled. The passengers aboard United Airlines flight #1074 disembarked the aircraft and were scheduled for flights leaving the next morning.

13. After being removed from the plane, DIAZ made statements and exhibited behavior that caused MWAA PD to conclude that he was not mentally capable of caring for himself. MWAA PD transported DIAZ to Lansdowne Hospital, in Loudoun County, Virginia. DIAZ was evaluated by a therapist who works for Loudoun County Mental Health Services while at the hospital, and the therapist determined that he lacked the capacity to care for himself. MWAA PD obtained a Temporary Detention Order for DIAZ and transported him to the L.A.M.P.S. facility in Leesburg, Virginia. At a commitment hearing on March 18, 2015, DIAZ decided to remain at the facility voluntarily to seek further treatment. That same day, DIAZ was transferred to the Northern Virginia Health Institute in Falls Church, Virginia. DIAZ was released from

the Northern Virginia Health Institute on or about March 31, 2015, and he took the bus back to New York, where he resides while attending college.

14. On May 22, 2015, I spoke with DIAZ by telephone. He told me that he was embarrassed about the incident on March 16, 2015. He stated that he is terrified of flying and has anxiety about it. Although he has flown several times in the past, his most recent flight was bumpy and frightening. He was hesitant to fly on March 16, 2015, but he wanted to go to Texas, where his mother lives. DIAZ told me that on the day of the incident, he was stressed and had a lot on his mind. While waiting for his flight, he said that he consumed several alcoholic beverages. He described himself as being drunk before the flight.

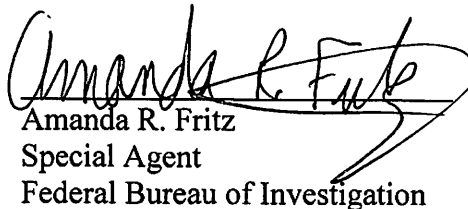
15. While I was speaking with DIAZ on May 22, 2015, two FBI agents from the New York Division knocked on the door of his residence and asked to conduct an in-person interview. DIAZ agreed to speak with the agents at his residence. DIAZ told the agents that he has an acute fear of flying. After he arrived at the airport on March 16, 2015, DIAZ stated that he began having panic attacks. He then began to consume significant quantities of alcohol and quickly became intoxicated. DIAZ could not provide specifics regarding the incident, other than to say that he thought he was on a flight bound for Dallas to visit his mother.

CONCLUSION

16. Based on the information provided in this affidavit, I respectfully submit that there is probable cause to believe that on or about March 16, 2015, in the Eastern District of Virginia, the defendant, DAVID PATRICK DIAZ, on an aircraft in the special aircraft jurisdiction of the United States, did interfere with the performance of the duties of a flight crew member or attendant, and lessen the ability of the member or attendant to

perform those duties, by intimidating the flight attendant or flight crew member, in violation of 49 U.S.C. § 46504.

I declare under penalty of perjury that the statements above are true and correct to the best of my knowledge and belief.


Amanda R. Fritz
Special Agent
Federal Bureau of Investigation

Sworn and subscribed before me
this 4th day of September, 2015.

 /s/
Michael S. Nachmanoff
United States Magistrate Judge
The Honorable Michael S. Nachmanoff
United States Magistrate Judge